April 4, 1996.

Reference: IB Docket No. 95-59
Office of the Secretary
Federal Communication Commission
Washington, DC 20554

Dear Commissioners,

This letter is to acquaint you with some of the difficulties the private homeowner associations will face in complying with the law prohibiting restrictions on satellite dish antennae.

I am on the Board of Directors of the Hilltop Summit Condominium Association. Our homes are located about twenty (20) miles southwest of Philadelphia, Pennsylvania.

The design and construction of the buildings and the considerations of Limited Common Element ownership in our condominium presents many difficulties that will burden our community in compliance with the "equal access" law.

The attachment to this letter shows via photographs the configuration, orientation and construction of the buildings that comprise our collective homes. Our individual living spaces are approximately twenty (20) feet square.

The townhomes are arranged side by side and back to back. There are seven (7) buildings with eighteen (18) townhomes in each building (nine [9] units back to back, see PHOTO 1). There is one (1) building with ten (10) townhomes (five [5] units back to back).

There are five (5) buildings with eighteen (18) flats (nine [9] units back to back, see PHOTO 2). The flats are stacked three (3) high.

Six (6) buildings have approximately southeast-northwest exposure. Three (3) buildings have approximately east-west exposure. Six (6) buildings have homes with approximately northeast-southwest exposure. This limits access to the southern sky for more that half the homes in the condominium.

The exteriors of all buildings are maintained as commonly owned property (herein after referred to as "common elements") and the costs for all maintenance and all replacement is borne by the association via monthly paid condominium fees. The association also is responsible for all health and safety matters that pertain to the common elements.

The association understands the principle of equal access being the driving force behind the law. However, we are concerned about issues of safety, undue burden of cost and lowered property values as a result of compromised appearance.

The photos on the attached three (3) pages show the basic configuration and construction of the townhouse and flat buildings in our community. As mentioned previously not all buildings have access to the southern sky. The question becomes, where shall the satellite antenna be installed for each respective home?

For more than half the homes it appears the only logical place is the peak of the roof. This presents a multitude of problems. The law allows up to a three (3) meter diameter satellite dish. Please examine PHOTO 3 which are northwest facing flats. If all nine (9) homes wanted to install three (3) meter satellite dishes on the roof, where do you propose we put them? Where can the cables connecting the dish and the receiver be safely routed? What is the impact of children/teenagers standing on wet ground and pulling on the cable until it separates and exposes the voltage within?

Our insurance underwriter has examined our roofs and determined that fire retardant plywood was used in their construction. Fire retardant plywood has the reputation for rotting abnormally quickly. We are in the process of choosing an engineer to inspect all the roofs in our community. However, you can understand it is undesirable to place any additional load on our roofs.

In the case of a private homeowner all financial risk associated with the installation of a satellite dish is borne by them. In our case all exterior surfaces are the responsibility of the association which collects and uses condominium fees for maintenance and repair of common elements. Is it fair for homeowners who choose not to install a satellite dish to subsidize the increased risk for damage and accelerated wear and tear to common elements caused by those homeowners who do install a dish?

For the flat buildings this would mean nine (9) or eighteen (18) dishes on the roof and eighteen (18) holes, one for each unit to allow the power and signal cable to enter each home. The potential for water leaks is great. Also we have spent tens of thousands of dollars in termite treatment for virtually all the buildings in our community. A few years ago we were overrun by termite infestations. Another hole through the brick walls will only allow more routes for pest infestation. Perhaps some dishes could be mounted on the wooden patios. There would be faster aging of the wood where bolt holes are drilled through to mount the dish. Also the weight of the dish especially during ice storms could cause damage to the wood. Our community has spent in excess of one hundred thousand dollars (>$100,000.) to replace all the wooden decks, supports and steps on the flat buildings.

For the townhouse buildings some residents would mount the dish on the brick wall or siding. We are spending more than twenty five thousand dollars (>$25,000) per building to install new vinyl siding (see PHOTO 7). In the past some residents have made

unauthorized attachments to the siding on buildings. These unauthorized attachments damaged the siding and allowed rain to enter between the walls and cause significant damage to homes other that the one that made the attachment. It would be financially irresponsible on our part to allow attachments to the sided areas. It would also be irresponsible on our part to allow dishes to be mounted on roofs that are not designed nor stressed to accommodate the additional weight and shearing force caused by ice buildup and/or strong winds on a satellite dish up to three (3) meters in diameter.

There is a real danger that allowing the installation of satellite dishes up to three (3) meters in diameter could cause the collapse of roofs in our community. This would place an undue financial burden on all the owners in the community, even though a home owner might not be a satellite dish owner. This would be a patently unfair abrogation by the federal government of private homeowners' control of their financial risk.

Also you might know, condominiums were instituted to provide a reasonable way to insure continued quality of life and maintenance of homeowner property values in a way that benefits all homeowners in a community equally. One of the ways this is accomplished is by holding homeowners to an architectural standard. This prevents someone from using dayglow purple and green paint, parking junk cars on their lawn and parking a 30 foot cabin cruiser in front of someone elses home. It was to maintain aesthetic sanity within a community. All our utilities; electric, gas, phone and cable TV are underground. The electric utility's step down transformers are at grade level and use underground connections (see PHOTO 11 and 12). This ensures safety and the preservation of aesthetics. To nullify the ability of a condominium association to protect its homeowners health and safety and property value is very poor policy and intrusive.

In summary, I ask the Commissioners to allow just and proper exemptions and deviations as appropriate for private homeowner associations in their promulgation of the law as it relates to equal access for satellite dishes as outlined in IB Docket No. 95-59.

Very truly yours,

Michael A. Ruggieri
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Attachments: three (3) pages depicting twelve (12) photographs

PHOTO 1. Example of townhouse configuration. (southwest exposure)

PHOTO 2. Example of flat configuration . (eastern exposure)

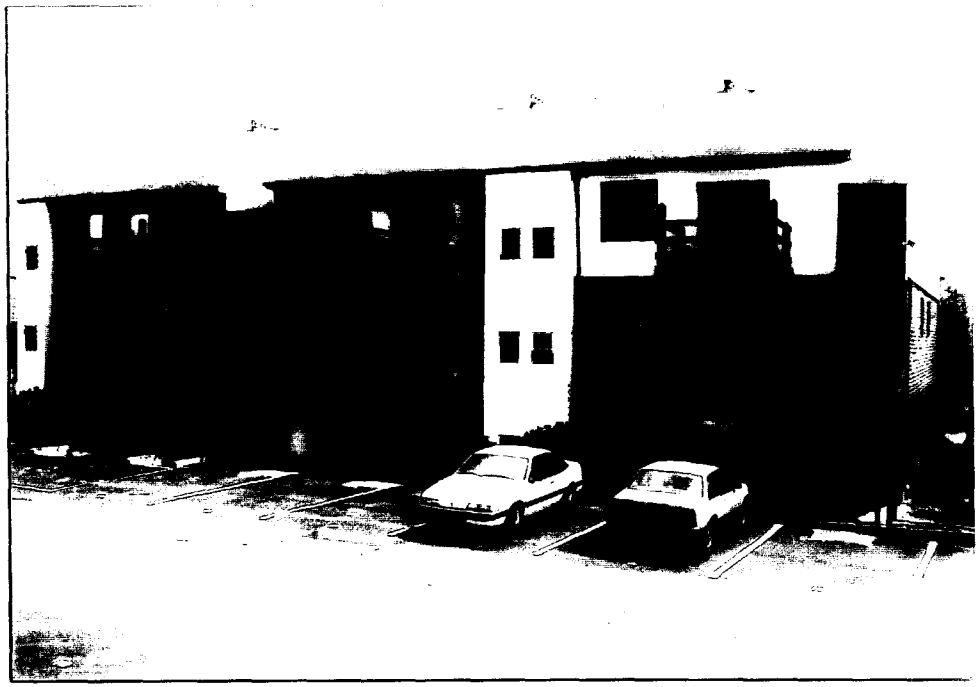

PHOTO 3. Flat building, limited roof space (northwest exposure)

PHOTO 4. Flat buildings, close proximity, wooden balconies, limited space. (left-western exposure, right-eastern exposure)

PHOTO 5. Townhouse building, brick and siding construction (southeastern exposure)

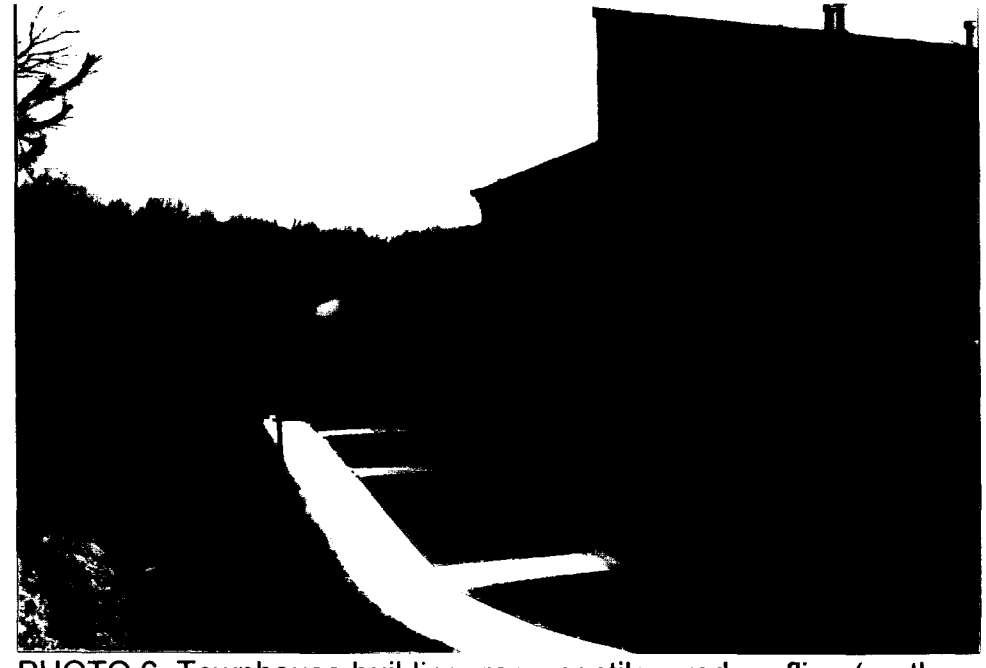

PHOTO 6. Townhouse building, rear, cantilevered roofline (northwestern exposure)

PHOTO 7. Townhouse building, new roofing and siding installation (southeastern exposure)

PHOTO 8. Townhouse buildings, cantilevered roofline, close proximity to each other (northeastern-southwestern exposures)

PHOTO 9. Typical townhouse, twenty (2) feet wide, limited front yard, new roof and siding (southeastern exposure)

PHOTO 10. Flat and townhouse comparison (southeastern exposure)

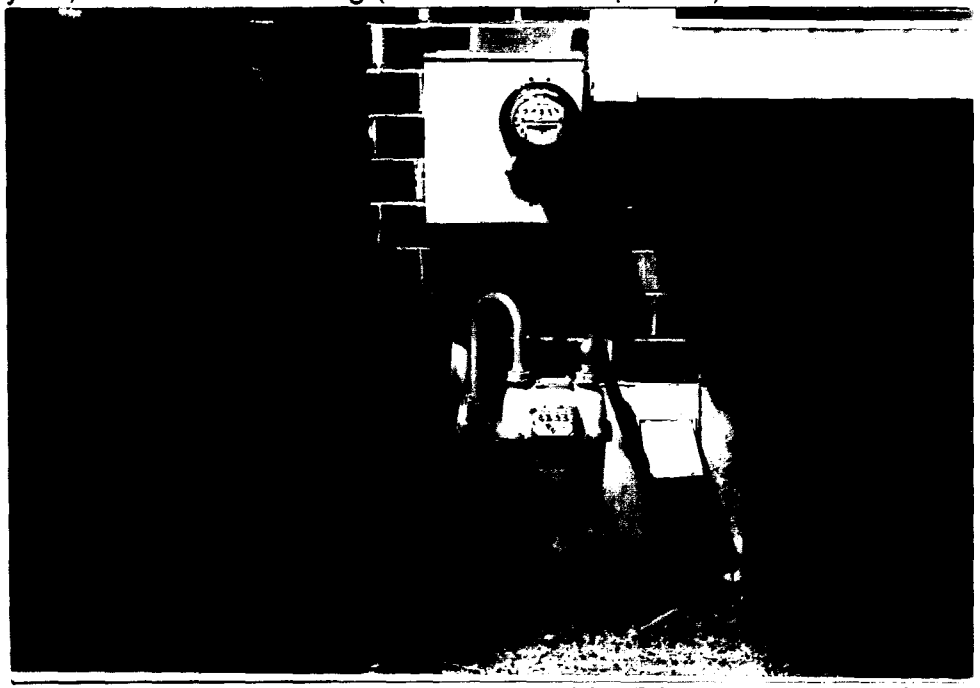

PHOTO 11. All utilities; gas, electric, cable TV are underground.

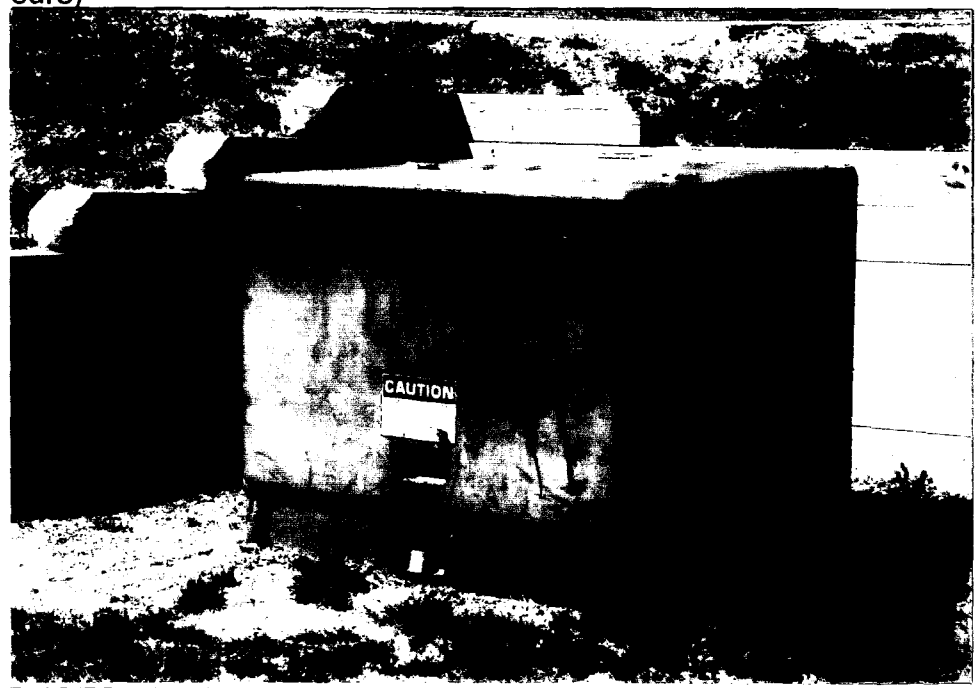

PHOTO 12. Electric utility stepdown transformer. At grade level, all connections underground.